



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Ramirez-Leyva, Erick

Defendant.

Case No.:

SA11-81-M-1

ORDER OF DETENTION

I.

A. () On motion of the Government in a case allegedly involving:

1. () a crime of violence.
2. () an offense with maximum sentence of life imprisonment or death.
3. () a narcotics or controlled substance offense with maximum sentence of ten or more years.
4. () any felony - where defendant convicted of two or more prior offenses described above.
5. () any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

- 1 B. ☐ On motion by the Government/() on Court's own motion, in a case
2 allegedly involving:
3 ☐ On the further allegation by the Government of:
4 1. ☐ a serious risk that the defendant will flee.
5 2. ☐ a serious risk that the defendant will:
6 a. ☐ obstruct or attempt to obstruct justice.
7 b. ☐ threaten, injure or intimidate a prospective witness or
8 juror, or attempt to do so.
9 C. The Government () is/() is not entitled to a rebuttable presumption that no
10 condition or combination of conditions will reasonably assure the defendant's
11 appearance as required and the safety of any person or the community.
12

13 **II.**

- 14 A. ☒ The Court finds that no condition or combination of conditions will
15 reasonably assure:
16 1. ☒ the appearance of the defendant as required.
17 ☐ and/or
18 2. ☐ the safety of any person or the community.
19 B. ☐ The Court finds that the defendant has not rebutted by sufficient evidence
20 to the contrary the presumption provided by statute.
21

22 **III.**

23 The Court has considered:

- 24 A. ☒ the nature and circumstances of the offense(s) charged, including whether
25 the offense is a crime of violence, a Federal crime of terrorism, or involves
26 a minor victim or a controlled substance, firearm, explosive, or destructive
27 device;
28 B. ☒ the weight of evidence against the defendant;

- 1 C. ☒ the history and characteristics of the defendant; and
2 D. ☒ the nature and seriousness of the danger to any person or the community.

3
4 IV.

5 The Court also has considered all the evidence adduced at the hearing and the
6 arguments and/or statements of counsel, and the Pretrial Services
7 Report/recommendation.

8
9 V.

10 The Court bases the foregoing finding(s) on the following:

- 11 A. ☒ As to flight risk:

12 Backgrd info Unverified;
13 No apparent ties to community;
14 illegal immigration status;
15 lack of bail resources;
16 strong family and lifetime ties to Mexico
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- 21 B. ☐ As to danger:
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VI.

- 1
- 2 A. () The Court finds that a serious risk exists the defendant will:
- 3 1. () obstruct or attempt to obstruct justice.
- 4 2. () attempt to/ () threaten, injure or intimidate a witness or juror.
- 5 B. The Court bases the foregoing finding(s) on the following:

6 _____

7 _____

8 _____

9

VII.

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- 11 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
- 12 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of
- 13 the Attorney General for confinement in a corrections facility separate, to the
- 14 extent practicable, from persons awaiting or serving sentences or being held in
- 15 custody pending appeal.
- 16 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
- 17 opportunity for private consultation with counsel.
- 18 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
- 19 request of any attorney for the Government, the person in charge of the
- 20 corrections facility in which defendant is confined deliver the defendant to a
- 21 United States marshal for the purpose of an appearance in connection with a
- 22 court proceeding.

23

24 DATED: _____

2/16/11



ROBERT M. BLOCK
UNITED STATES MAGISTRATE JUDGE